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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,062	09/26/2000	Bradley J. Wessman	20000389.ORI	5103
36029	7590	09/06/2005	EXAMINER	
DOCKET CLERK, DM/ANSI P.O. BOX 802432 DALLAS, TX 75380			OROPEZA, FRANCES P	
			ART UNIT	PAPER NUMBER
			3762	
DATE MAILED: 09/06/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

**Application No.**

09/670,062

**Applicant(s)**

WESSMAN, BRADLEY J.

**Examiner**

Frances P. Oropeza

**Art Unit**

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 6/27/05 (Amendment).
- 2a)  This action is **FINAL**.                              2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1,2,4-10,12-17,30 and 32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1,2,4-10,12-17,30 and 32 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a)  All    b)  Some \*    c)  None of:
1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/26/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response*

1. The Applicant's amended the claims, hence the rejection of record is withdrawn and a new rejection established in the subsequent paragraphs.

### *Claim Rejections - 35 USC § 103*

2. Claims 1-6, 9-15 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neill (US 4280511) in view of Kiekhafer et al. (US 4934049) and Winkler (US 5417208).

O'Neill discloses a lead (20) comprising a coiled multifilar conductor (14), a silver conductive welding pad (18) in a groove in the insulation (welding region), and a band electrode (10) swaged and crimped to the lead at the welding region (figure 3; col. 2 @ 62 – col. 3 @ 60).

As discussed in the previous sentence of this action, O'Neill discloses the claimed invention except for the band being welded to the conductive pad.

Kiekhafer et al. teach medical lead fabrication using swaging, crimping or welding for the purpose of attaching the electrode to the lead. Absent any teachings of criticality of unexpected results, merely changing the means of attaching the electrode on the lead from crimping to welding would be an obvious design choice. It would have been obvious to one having ordinary skill in the art at the time of the invention to have used a weld to attach the electrode to the lead in the O'Neill system in order to provide a proven means of lead fabrication that secures the electrode to the lead.

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As discussed in the previous three paragraphs of this action, modified O'Neill discloses the claimed invention except for multiple conductors.

Winkler teach medical lead fabrication using multiple conductors for the purpose of having multiple potential stimulation points on the lead. It would have been obvious to one having ordinary skill in the art at the time of the invention to have used multiple conductors in the lead in the modified O'Neill system in order to meet the stimulation needs in a wide range of stimulation applications (col. 4 @ 44-53).

As discussed in the previous five paragraphs of this action, modified O'Neill discloses the claimed invention except for the welding region formed obliquely across said lead body and parallel to the respective conductor.

O'Neill teach placing lead fabrication using a groove in the insulation for the purpose of forming a welding region where the electrode is electrically connected to the conductor. Absent any teachings of criticality of unexpected results, merely changing the orientation of the welding region from parallel (which the specification identifies as "typical" – page 3, line 7) to the conductor to formed obliquely across said lead body and parallel to the respective conductor (specification – figure 3) would be an obvious design choice. It would have been obvious to one having ordinary skill in the art at the time of the invention to have used a welding region formed obliquely across said lead body and parallel to the respective conductor in the O'Neill system in order to provide an alternate means of lead fabrication that provides enhanced connection of the electrode to the lead.

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In response to the Applicant's arguments filed 6/27/05 that the welding region formed obliquely across said lead body and parallel to the respective conductor is not an obvious design choice, it is noted that the specification is mute regarding any teachings of criticality or unexpected results of the orientation of the welding region, hence the selection of the orientation of the welding region is deemed an obvious design choice.

3. Claims 7-8, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neill (US 4280511) in view of Kiekhafer et al. (US 4934049) and further in view of Winkler (US 5417208). As discussed in paragraph 21 of this action, modified O'Neill discloses the claimed invention except for the band comprising projections.

Winkler teaches band construction using projections (53) for the purpose of enabling the band to be slid along the lead into its final position. It would have been obvious to one having ordinary skill in the art at the time of the invention to have used projections on the band in the modified Winkler system in order to provide a mechanism (projections) that minimize the friction associated with band movement, hence enabling an optimized fabrication process (col. 7 @ 23-57).

In response to the Applicant's arguments filed 6/27/05 that the electrodes of Winkler do not have a proximal and distal end, it is noted Winkler is included in the rejection to teach projections from an electrode.

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*Specification*

4. The amendment filed 6/27/05 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: In the newly added paragraph beginning on page 6, the word “preferably” in the third line of the paragraph is deemed to be new matter. New matter may not be added at this point in the prosecution.

Applicant is required to cancel the new matter in the reply to this Office Action.

*Statutory Basis*

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

*Other Prior Art Cited*

6. The prior art made of record and not relied upon is considered pertinent to the Applicant's disclosure. US 5762631 to Klein teaches surface irregularities to reduce the sliding friction between two contacting surfaces (abstract).

*Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fran Oropeza whose telephone number is (571) 272-4953. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communication and for After Final communications.

Frances P. Oropeza  
Patent Examiner  
Art Unit 3762

*FPO*  
*8/31/05*

  
Robert E. Pezzuto  
Supervisory Patent Examiner  
Art Unit 3762